

REMARKS

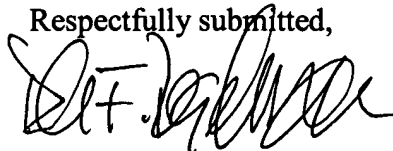
Claims 1-20 are pending in this application. Applicant has elected a species of her invention wherein the hummingbird feeder includes a flow restrictor disposed in the fluid conduit. Original claims 3, 4, 11, and 12, read on the elected species. Newly-added claims 21, 22, 23, and 24, also read on the elected species. Claims 1, 2, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, and 20, are withdrawn herein.

New claim 21 is directed to a hummingbird feeder which includes a flow restrictor and a valve. Support can be found in the Specification at Page 7 / Lines 8 - 11. New claim 22 is directed to a hummingbird feeder wherein the reservoir comprises a contiguous elastomer. Support can be found in the Specification at Page 4 / Line 21 through Page 5 / Line 4. New claim 23 is directed to a hummingbird feeder wherein the fluid conduit comprises an elastomer. Support can be found in the Specification at Page 5 / Lines 20 - 21. New claim 24 is directed to a method wherein the reservoir comprises a contiguous elastomer. Support can be found in the Specification at Page 4 / Line 21 through Page 5 / Line 4.

No new matter has been entered. Reexamination and reconsideration of the application, as amended, is respectfully requested.

Having dealt with all of the outstanding objections and/or rejections of the claims, Applicants submit that the application as amended is in condition for allowance, and an allowance at an early date is respectfully solicited. In the event there are any fee deficiencies or additional fees are payable, please charge them, or credit an overpayment, to our Deposit Account No. 502262.

Respectfully submitted,



Dale F. Regelman, Ph.D.
Attorney for Applicants
Reg. No. 45,625

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on August 27, 2004, at Tucson, AZ.

By

